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ORACLE AMERICA, INC.

21 UNITED STATES DISTRICT COURT  
22 NORTHERN DISTRICT OF CALIFORNIA  
23 SAN FRANCISCO DIVISION

24 ORACLE AMERICA, INC.  
25 Plaintiff,  
26 v.  
27 GOOGLE INC.  
28 Defendant.

Case No. CV 10-03561 WHA  
**DECLARATION OF ANDREW  
TEMKIN RE ADMINISTRATIVE  
MOTION TO FILE UNDER SEAL  
ORACLE'S OPPOSITION TO  
GOOGLE'S MOTION IN LIMINE # 6**  
Dept.: Courtroom 8, 19th Floor  
Judge: Honorable William H. Alsup

1 I, Andrew Temkin, declare and state as follows:

2 1. I am an attorney employed by Oracle America, Inc. ("Oracle"). My current title is  
3 Senior Corporate Counsel. One of my responsibilities is supervising Oracle's outside counsel  
4 with respect to litigation matters, including Oracle's lawsuit against Google. I am familiar with  
5 Oracle's policies and business practices, including what information Oracle considers confidential  
6 and does not disclose to the public.

7 2. I submit this declaration pursuant to Civil Local Rule 79-5 in connection with  
8 Oracle's Administrative Motion to File Under Seal Re: Oracle's Opposition to Google's Motion  
9 *In Limine* # 6 re: Mr. Malackowski. I have personal knowledge of the facts set forth herein, and  
10 if called upon as a witness, I could testify to them competently under oath.

11 3. Oracle's Opposition to Google's Motion *In Limine* # 6 discusses the amount of  
12 revenue earned by Oracle in connection with the current and preceding Java-related licensing  
13 agreements between Oracle and a third party. The amount of money paid to Oracle is information  
14 Oracle considers highly confidential and Oracle has always treated this information as such.  
15 Oracle does not disclose this information to the public and restricts knowledge of this information  
16 within Oracle to a subset of persons who need the information for their business operations.  
17 Disclosure to the public and to Oracle's competitors of the amount of money paid by Samsung to  
18 Oracle could harm Oracle. Harm to Oracle could include, among other things, an adverse impact  
19 on Oracle's ability to negotiate licenses for Java products because other Oracle partners may use  
20 the Samsung payment information as leverage against Oracle during negotiations. Oracle submits  
21 that the risk of competitive harm that would be created by public disclosure of this information  
22 amounts to a compelling reason to grant Oracle the narrow sealing order requested herein.

1 I declare under penalty of perjury under the laws of the State of California and the United  
2 States of America that the foregoing is true and correct to the best of my knowledge.

3 Executed this 6th day of April, 2016, at San Francisco, CA.

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6   
7 Andrew Temkin